



State of California - The Resources Agency

DEPARTMENT OF FISH AND GAME

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(916) 653-6281

Exhibit C.5.b
Supplemental CDFG Proposal
September 2002



RECEIVED

AUG 26 2002

PFA

August 26, 2002

Mr. Bill Robinson
Assistant Regional Administrator
National Marine Fisheries Service-Northwest Region
7600 Sand Point Way NE, BIN C15700
Seattle, Washington 98115-0070

Dear Mr. Robinson:

Enclosed please find our application for an Exempted Fishing Permit (EFP) to measure the bycatch of overfished rockfish associated with trawling for shelf rockfish using small footrope, including Scottish Seine. As you may recall, the need for this EFP was discussed at the last meeting of the Pacific Fishery Management Council (Council), which resulted in approval of my motion to proceed with the request.

The application was prepared by Department of Fish and Game staff in consultation with the National Marine Fishery Services staff and Mr. Pete Leipzig, Fishermen's Marketing Association. You have also received industry correspondence in support of the proposed EFP.

If you have any questions about the request, you can contact me at the above letterhead address and telephone number. I will also be available at the September Council meeting to discuss it with you.

Sincerely,

LB Boydston
Intergovernmental Affairs Representative

enclosure

cc: Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland 97220-1384

Disaster Relief Response Committee (enclosed)

Conserving California's Wildlife Since 1870

GROUND FISH DISASTER RELIEF ADVISORY COMMITTEE

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APPLICATION FOR ISSUANCE OF AN EXEMPTED FISHING PERMIT FOR THE
HARVEST OF SHELF FLATFISH USING SMALL FOOTROPE TRAWLS
(INCLUDING SCOTTISH SEINE)¹

- A. Date of application: August 21, 2002
- B. Applicants' names, mailing addresses, and telephone numbers:

California Department of Fish and Game
1416 9th Street
Sacramento, CA 95814

Contact: LB Boydston (916) 653-6281

- C. A statement of the purpose and goals of the experiment, for which an EFP is needed, including a general description of the arrangements for the disposition of all species harvested under the EFP.

Pacific Coast groundfish are managed by the Pacific Fishery Management Council (PFMC) under a federal fishery management plan (FMP). The management goals of the FMP are to:

- Prevent overfishing by managing for appropriate harvest levels and prevent any net loss of the habitat of living marine resources.
- Maximize the value of the groundfish resource as a whole.
- Achieve the maximum biological yield of the overall groundfish fishery, promote year-round availability of quality seafood to the consumer, and promote recreational fishing opportunities.

The purpose of the experiment is to assist the PFMC in achieving the goals of the FMP while collecting bycatch data on overfished stocks. This information will allow for informed management decisions in setting appropriate trip limits, area closures, and other management measures to maximize safe harvest levels of healthy stocks.

The specific goals of the experiment are:

- To measure bycatch rates of bocaccio and other rockfish species that may be associated with the small footrope trawl (including Scottish seine) shelf flatfish fishery between the three-mile limit and 70 fathoms through an at-sea observer program.

¹ Prepared by Intergovernmental Affairs Office, Department of Fish and Game, August 22, 2002

- To provide fishermen using small footrope trawl with an incentive to participate in the observer program by giving them the opportunity to take shelf flatfish in areas that are otherwise closed.
- Augment the National Marine Fisheries Service groundfish observer program.

With regard to the disposition of the species harvested under the EFP:

- The vessel must land all rockfish. All shelf rockfish will be forfeited to the State consistent with the current process for forfeiture of overages in the shoreside-whiting fishery.
- The vessel may retain and sell all other species, including nearshore rockfish caught within trip limits in place prior to the July 1 closure.

D. Valid justification explaining why issuance of an EFP is warranted.

Since 1998, the PFMC has initiated rebuilding plans for several species, including bocaccio rockfish. Critical to these rebuilding plans and to the overall improvement of groundfish management, is the need for more and better scientific data. There are 82 species covered under the FMP, and at present, there is little or no data on a large number of these species. There is a need for comprehensive, timely, and credible data for priority species to aid in the conservation and rebuilding efforts for these stocks.

The shelf flatfish are an extremely important group of groundfish in the California groundfish fisheries. These stocks are believed to be healthy and California fishers and processors have worked aggressively to develop strong markets for these species. A component of the California trawl fleet and processors, are heavily dependent upon these flatfish. Vessels using small footrope trawl gear have been prohibited from landing shelf flatfish since July 1.

Fishers using small footrope trawl gear to catch shelf flatfish prior to the July 1 closure have indicated they are not impacting bocaccio. These fishermen believe that they can prosecute the shelf flatfish fishery with little or no bocaccio bycatch.

E. A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals.

The applicant of this EFP believes that the information collected during this experiment will have broader significance than the applicant's individual goals by:

- Producing data on the amount and location of any bocaccio and other depleted rockfish bycatch in the shelf flatfish fishery and providing valuable and accurate data on the species composition of the targeted small footrope trawl shelf flatfish fishery off the California coast.

- These data could allow the Council to establish trip limits, area closures and other regulations in the future that maximize fishing opportunities on healthy flatfish stocks while meeting conservation goals for depleted rockfish stocks.

F. Vessels covered under the EFP:

Vessels covered under the EFP will include those which have historically participated in the targeted shelf flatfish fishery off California. These vessels must have:

- Landed into California ports at least 10,000 lbs of shelf flatfish (California halibut, Pacific sanddab, English sole, sand and rock sole, starry flounder and unspecified flatfishes) taken with trawl gear in each of two years during 1998-2000.
- A valid California delivery permit.

A list of 20 vessels that meet these criteria is attached (Appendix A).

Letters were sent to the owners of each of the 20 qualifying vessels requesting a statement of interest to be returned by August 16, 2002. A list of respondents is attached (Appendix B).

No more than six (6) permits will be issued overall with two (2) initially reserved for vessels using Scottish seine. The first 6 vessels to apply will be given first priority for final permit issuance with no more than 2 permits issued per California port group: 1) Crescent City/Eureka/Fort Bragg; 2) Bodega Bay/San Francisco/Halfmoon Bay; 3) Monterey/Moss Landing; 4) Morro Bay/Avila).

Any EFP may be canceled and made available to another vessel if the permitted vessel: 1) does not follow the terms and conditions of the permit; 2) fails to follow federal or State fishing regulations; 3) does not prosecute shelf flatfish using small footrope trawl gear as provided in the EFP; or 4) does not reasonably accommodate the observer or cooperate with the applicant.

A permitted vessel can withdraw once from the EFP program.

G. A description of the species (target and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment:

- The targeted species are collectively referred to as shelf flatfish and includes California halibut, Pacific sanddab, English sole, rock and sand sole, and unspecified flatfish.
- The allowable trip limit for shelf flatfish before July 1 was 70,000 pounds per month of which no more than 40,000 pounds may be species other than Pacific sanddab. Of the 40,000 pounds, no more than 15,000 pounds may be petrale sole.

- Each vessel will be allowed to take a maximum of 100 pounds each of bocaccio, cowcod, canary rockfish and yelloweye rockfish per month. If the that amount is exceeded for any of the four species then all fishing by that vessel will be terminated for the balance of the month.
- If the vessels participating in the program exceed 600 pounds cumulatively in a month for any of the four species the program will terminate for the balance of the month.
- Catches of all shelf rockfish species taken while targeting shelf flatfish with small footrope trawl gear during the EFP period must be retained and will be forfeited to the state.

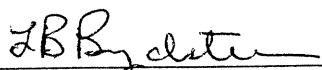
H. For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used:

- The EFP will be valid in those Pacific Ocean waters adjacent to California south of 40° - 10' N (near Cape Mendocino) and outside 3 miles.
- Approximate time for the fishery is September – October of 2002, and May – October 2003.

I. All vessels fishing under the authority of the EFP must:

- Carry a National Marine Fisheries Service-approved observer onboard all shelf flatfish trips when small footrope trawl gear is being used and give the observer reasonable notice of impending fishing trips.
- Land all fish caught under the authority of the EFP into the State of California.
- Employ legal small footrope trawl gear as defined in current federal regulation. Vessels fishing under the EFP may experiment with selective gears as long as such gears comply with current footrope restrictions.

J. The signature of the applicant:



 California Department of Fish and Game

Appendix A

List of 20 vessels that meet the qualifying criteria.

	<u>Vessel Name</u>	<u>Doc. No.</u>	<u>Calif. Reg. No.</u>	<u>Home Port</u>
1.	Mr. Morgan	594919	41134	Halfmoon Bay
2.	Deborah Ann	629368	35903	Halfmoon Bay
3.	Anna Marie	573944	41724	San Francisco
4.	Vito C	969329	46966	Monterey
5.	Relentless	533883	20238	Halfmoon Bay
6.	Phyllis J	594641	31853	Halfmoon Bay
7.	Irene's Way	629033	42963	Monterey
8.	Kincheloe	240804	13302	Morro Bay
9.	Helen Ruth	250246	07969	Halfmoon Bay
10.	Don Pasquali	593695	49577	San Francisco
11.	Verona	205318	07246	Halfmoon Bay
12.	CC & Gloria	505269	16272	Moss Landing
13.	Day Dream	505277	16244	San Francisco
14.	Linda Noelle	627808	35525	San Francisco
15.	Suzanne	584521	32486	Morro Bay
16.	Carleen N	515298	38998	Ventura
17.	Two Sisters	572657	28939	Crescent City
18.	Point Loma	515298	36900	Morro Bay
19.	Moriah Lee	531323	20026	Halfmoon Bay
20.	Sea Breeze II	247779	09442	San Francisco

Appendix B

List of 9 vessels that indicated an interest in participating.

	<u>Vessel Name</u>	<u>Doc. No.</u>	<u>Calif. Reg. No.</u>	<u>Home Port</u>
1.	Mr. Morgan	594919	41134	Halfmoon Bay
2.	Anna Marie	573944	41724	San Francisco
3.	Phyllis J	594641	31853	Halfmoon Bay
4.	Kincheloe	240804	13302	Morro Bay
5.	Helen Ruth	250246	07969	Halfmoon Bay
6.	Verona	205318	07246	Halfmoon Bay
7.	Moriah Lee	531323	20026	Halfmoon Bay
8.	Pioneer (Vito C)*	603897	40244	Moss Landing
9.	Two Sisters	572657	28939	Crescent City

* Giuseppe Pennisi qualified with the Vito C but now owns the Pioneer

